

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 31-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8144 OF 2015

V.Sengodan

...

Petitioner

-vs-

1. The Executive Engineer/O & M  
Tamil Nadu Electricity Generation and  
Distribution Corporation (TANGEDCO),  
Paramathi Velur, Namakkal District.
2. The Assistant Executive Engineer/O & M,  
Tamil Nadu Electricity Generation and  
Distribution Corporation (TANGEDCO),  
Nallur, Namakkal District.
3. The Assistant Engineer/O & M  
Tamil Nadu Electricity Generation and  
Distribution Corporation (TANGEDCO)  
Chithalandur, Namakkal District.
4. P.Subramani ..... Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceedings in letter Lr.No.U.PO E.PA/CHITH/KOO.SFS25000/No.482-1/14-15, dated 29.11.2014, and quash the same as illegal and consequently direct the respondents 1 to 3 to effect electricity connection to the petitioner's land comprised in S.No.21, at Nallipalyam Village, Thiruchengode Taluk, Namakkal District.

For petitioner : Mr.K.Sasindran  
For respondents 1 to 3 : Mr.S.K.Rameshwar  
For respondents : Mr.D.Shivakumaran

O R D E R

Petitioner has filed this Writ Petition to quash the proceedings issued by the third respondent, by which, the petitioner's request for grant of agricultural electricity connection has been deferred, on the ground that fourth respondent has raised an objection.

2. Petitioner has been given two options by the respondent Board viz., one is to obtain No Objection Certificate from the fourth respondent, which is next to impossible as of now, as the parties are at loggerheads, and the second is to suggest an alternate route.

3. Though the fourth respondent requested time for filing counter affidavit, that may not be necessary, in the light of the order of this Court, quashing the impugned proceedings.

4. First and foremost, it is necessary to examine the tenability of the objection, as to, whether it has raised any valid points or it is for some other collateral purpose or is it merely for the sake of raising an objection. Therefore, in all cases, where objections are raised, the Board cannot shirk its responsibility and state that the petitioner has to obtain No Objection Certificate from the objector, or suggest an alternate route. Obtaining No Objection Certificate from the objector may be next to impossible in several cases, as there may be other complications, including pendency of civil proceedings, orders of injunction etc. Likewise, in other cases, there may be no other alternate route, which is feasible of consideration.

5. From the counter affidavit of the third respondent, it is seen that the petitioner has already paid the entire charges of Rs.81,290/- on 21.12.2009 itself, and the lines have been drawn up to the stage, where extension work alone remains to be carried out. At that juncture, i.e., in the year 2014, the fourth respondent raised an objection. In other words, the objection has been raised at the point when the service connection was to be energised. Therefore, the third respondent has to necessarily consider the tenability of the objection and should not mechanically drive the petitioner to obtain No Objection Certificate from the fourth respondent.

6. Accordingly, this Writ Petition is allowed and the order impugned is quashed. The matter is remitted to the third respondent to examine the validity and tenability of the objection of the fourth respondent, after notice to the petitioner and the fourth respondent. If the objection is frivolous, the third respondent shall proceed to draw the extension line and energise the service connection to the

petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

dixit

s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Executive Engineer/O & M  
Tamil Nadu Electricity Generation and  
Distribution Corporation (TANGEDCO),  
Paramathi Velur,  
Namakkal District.
2. The Assistant Executive Engineer/O & M,  
Tamil Nadu Electricity Generation and  
Distribution Corporation (TANGEDCO),  
Nallur,  
Namakkal District.
3. The Assistant Engineer/O & M  
Tamil Nadu Electricity Generation and  
Distribution Corporation (TANGEDCO)  
Chithalandur,  
Namakkal District.

+ 1 cc to M/s.K.Sasindran, Advocate SR 20418

+ 1 cc to Mr.S.K.Rameshuwar, Advocate SR 20827

+ 1 cc to Mr.D.Shivakumar, Advocate SR 20349

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prk18/4

W.P.No.8144 OF 2015

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